



King County

Ron Sims
King County Executive

CHARTER REVIEW COMMISSION

Mark Yango
Charter Review Coordinator

701 Fifth Avenue, Suite 3210
Seattle, Washington 98104

King County Charter Review Commission
Meeting Minutes – March 25, 2008
Chinook Bldg., 5:00pm-7:30pm

The meeting of the King County Charter Review Commission was called to order by co-chair Mike Lowry at 5:08 p.m.

Commission members in attendance:

Mike Lowry, Co-chair
Lois North, Co-chair
Trisha Bennett
Juan Bocanegra
Jim English
Dan Gandara
Bryan Glynn
Darcy Goodman
Kirsten Haugen
Tara Jo Heinecke
Gregg Hirakawa
John Jensen
Terry Lavender
Gary Long
Sharon Maeda
Allan Munro
Sarah Rindlaub
Mike Wilkins
James Williams

Absent:

Doreen Cato
John Groen

Staff:

Mark Yango, Charter Review Coordinator
Corrie Watterson Bryant, Project Manager, Charter Review Commission
Charlotte Ohashi, Administrative Assistant, Charter Review Commission

Council and PAO Staff:

Ross Baker, Chief of Staff, King County Council
Rebecha Cusack, King County Council Liaison to the Commission
Mike Sinsky, Prosecuting Attorney's Office
Pete Ramels, Prosecuting Attorney's Office
Nick Wagner, King County Council Co-Liaison to the Commission

1. Opening Remarks and Introductions

Co-chair, Mike Lowry called the meeting to order at 5:10 pm. Minutes from January 29 and draft minutes from 2/26 were approved as written. Council had not yet been able to review the minutes from 2/26.

Mike announced that both Doreen Cato and John Groen had conflicts that precluded their attendance.

2. Public Hearings

Mark Yango did a short presentation on the proposed calendar schedule for the next couple of months, the communications plan, and scope of work to be done.

- 4 outreach meetings have been set: Renton, West Seattle, Preston, Shoreline in April with KCTV filming at both Shoreline and Renton
- April 22, will be a full commission meeting to discuss the public feedback and to make any edits to the report
- April 24, meeting with PAO and Council staff to finalize draft report
- April 29 will be the final meeting of the full commission to vote on the final copy of the report
- Report sent to council at the end of May

3. Subcommittee Issues – Final discussion and Action

Rural/Local Subcommittee

- Open Space and Preamble: John Jensen did a short recap on the open space amendment which essentially was designed to strengthen the protection of over 100,000 acres of high conservation value land. It is not a proposal to purchase additional land. The properties are undeveloped, passive open space that provides recreational opportunities like hiking, fishing, horseback riding, and wildlife viewing. The properties are not active use parks. He also clarified that the OSA is not a Critical Ordinance Area Amendment. It allows the citizens to tell the government what to do with the land rather than government telling citizens what can be done with their properties.

Further discussion ensued.

MOTION: Approve the subcommittee's recommendation to adopt the first version language as passed by the committee.

Motion passes Vote: Yes: 17 No: 2 Absent: 2

Council staff conveyed the concerns of some councilmembers about whether enacting this charter amendment is the best method of creating and maintaining an inventory of protected properties.

- Preamble, Rural and Unincorporated Senior Official: Terry Lavender did a brief re-cap of the issue. The suggested changes come from long standing concerns of rural and urban unincorporated area residents about representation and governance of their areas. She explained that the committee settled on changes in language to 3 things that would still focus on the issue of representation without creating a whole new structure. The subcommittee recommends the following language:
 - The recommended changes to the preamble in recognition of the dual role that the county serves is: *We, the people of King County,ensure responsibility and accountability for local and regional county governance and services, enable effective citizen participation, preserve a healthy urban and rural environment and economy...*
 - The subcommittee suggests the appointment of a senior official for rural and urban unincorporated affairs in the executive's office and recommends the following language be added to the Powers of the Metropolitan County Council: *The council "shall designate within the administrative offices or executive departments a structure or structures with the powers and responsibility to serve unincorporated king county."*
 - Following language to be added to Powers of the County Executive: *The executive "shall designate within the office of the executive a senior official with primary responsibility for the communication with and oversight of service provision to rural unincorporated king county and to urban unincorporated king county including services to facilitate transition of unincorporated urban areas to cities."*

Some further discussion and explanations.

MOTION: Approve the alternative versions recommended by the subcommittee.

Motion passes Vote: Yes: 19 No: 0 Absent: 2

Governmental Structure Subcommittee:

- **Elections Division Timeline:** Should the deadline set forth in the charter for submitting county referendum, initiatives and charter amendments be amended. This issue was raised by the elections division who propose to revise the deadlines to match state law which would provide more time for the division to prepare the ballot. The current deadline is 45 days for preparation. The state has 84 days for preparation.

Subcommittee recommendation: Recommends amending the charter's petition deadlines, removing the existing deadlines and instead refer to deadlines established by ordinance. Legal counsel advises that if the amendment is passed by the citizens, council will have to promptly adopt an ordinance setting new deadlines.

The vote in the subcommittee was 7 to 2. The opposing votes were because there was some concern about having the council sets timelines which the wording seems to allow a timeline would be set for each petition. If that's the case then the concern was that each petition would not be treated equally. There was not a set timeline directive in the recommendation.

Rebecha Cusack pointed out that the last sentence in the summary of the subcommittee recommendation on this issue was inaccurate.

MOTION: Approve the recommendation of the subcommittee.

Motion passes Vote: Yes: 19 No: 0 Absent: 2

- **Council Action on All CRC Amendments:** Should the charter be amended to require the county council to take action on any proposed charter amendments brought forth by the charter review commission. Proposed language affects Section 800 and is made up of 2 components - action requirement and specified timeline for action to be taken.

Some discussion ensued on the legality of language introduced with Mike Sinsky.

Proposed Language:

Amendment 1: Amending the proposed language to delete "*such action thereon as it deems appropriate*" and replace with "a public vote."

Amendment passed unanimously.

Amendment 2: Amend proposed language by deleting the timeline reference. No motion for a timeline

MOTION: The proposed language would read: *After receiving the commission's report, the county council shall consider the commission's proposed charter amendments and take a public vote.*

Motion passes Vote: Yes: 19 No: 0 Absent: 2

- Clarifying CRC Appointment and Confirmation Process: This will be a technical amendment. Should the commission clarify the appointment process and confirmation for the charter review commission.

Subcommittee Recommendation: Asked that the PAO submit language clarifying the appointment and confirmation process. Suggested draft language is to be reviewed by the commission.

Motion passes Vote: Yes: 19 No: 0 Absent: 2

Regional Governance Subcommittee

- Sheriff's Proposed Amendments: The proposal had 5 separate issues: 1) establish the Office of sheriff; 2) identify the sheriff as the chief peace office in the county; 3) eliminate the reference to the sheriff's office as an executive department; 4) place the sheriff's office personnel under the sheriff; 5) eliminate the reference to the Department of Public Safety to the Sheriff's Office.

The subcommittee decided to put aside 4 of the 5 issues raised in the sheriff's proposal and focus on collective bargaining. The subcommittee felt that the issues involved in collective bargaining are closely interwoven with all agencies, elected or appointed, that there needs to be a single, central focal bargaining agent. The Prosecuting Attorney's office is not a charter department. It is governed by state law. This amendment would affect only the sheriff, the assessor, and the perhaps the director of elections if that should become a separately elected position under the charter.

Bryan Glynn noted that at the last meeting of the commission, there was a question on the meaning of effective representation. The subcommittee held a special meeting last week and passed out a proposed ordinance that attempts to deal with what "effective representation" is and, in part, calls for 2 main ideas of the executive meeting to prepare for elective bargaining with elected officials or his/her representatives and ascertain the bargaining objectives of that elected official and bargain those objectives. If the executive chooses not to bargain those issues, to explain why in writing, which would be accessible to the elected official, council and public. The intent is to try to balance the tensions pertaining to working conditions, workforce management, and fiscal issues.

However, since the special meeting, a member of the sheriff's staff has submitted an additional amendment to the language that the subcommittee voted out which essentially broadens the declining of bargaining by the executive to *"any declining to bargain an issue proposed by an*

elected official". Mr. Glynn has put forth an amendment which he hopes will be accepted by the commission.

Allan Munro rebutted that he's unsure of the meaning of "effective participation" and doesn't feel it's a definitive term. He feels that there is a need for appeal and grievance procedural rights to be improved for the Sheriff and current conditions with labor negotiations compromise those provisions in the collective bargaining agreement.

More discussion ensued both for and against the amendment. It was agreed that no matter which way a commissioner voted on this issue, they are still able to participate in the minority report to council which is going to be a very important part of the commission's work.

MOTION: To approve the amended amendment as submitted by the subcommittee. It will include the charter amendment language, the companion ordinance and the letter of response to council. In the CRC Report, the council will be encouraged to review both the Charter Commission and the Blue Ribbon Panel reports.

Amended language:

Section 890. Employee Representation. The county council shall enact an ordinance providing for collective bargaining by the county with county employees covered by the personnel system. If an ordinance providing for collective bargaining is enacted, it shall not be subject to the veto power of the county executive; and it shall designate the county executive as the bargaining agent of the county. Any such ordinance shall provide for the effective participation in bargaining by those separately elected officials who head departments or agencies that are subject to this charter. Any agreement reached as a result of negotiations by the county bargaining agent with county employees shall not have the force of law unless enacted by ordinance.

Motion passes Vote: Yes: 15 No: 4 Absent: 2
(Jim English voted yes but will sign minority report)

1. Budget Timeline: It was noted that council has not yet had a chance to weigh in on the proposed change of 95 days.

MOTION: To approve the amendment recommendation of the subcommittee.

Subcommittee recommendation: Recommends to the full commission to amend Section 410 to require the Executive to submit the proposed annual budget to the Council at least ninety-five days prior to the end of the fiscal year for review and adjustment (provides Council an additional 20 days in which to review the annual budget), and amend Section 420 to require county agencies to submit budget information to the Executive at least one hundred fifty-five days prior to the end of the fiscal year.

Amended language:

Section 410 Presentation and Adoption of the Budget

At least ~~seventy-five days~~ ninety-five days prior to the end of each fiscal year the county executive shall present to the county council a complete budget and budget message, proposed

current expense and capital budget appropriation ordinances, and proposed tax and revenue ordinances necessary to raise sufficient revenues to balance the budget; and at least thirty days prior to the end of the fiscal year, the county council shall adopt appropriation, tax and revenue ordinances for the next fiscal year.

Section 420 Budget Information

At least ~~one hundred thirty-five days~~ one hundred fifty-five days prior to the end of the fiscal year, all agencies of county government shall submit to the county executive information necessary to prepare the budget.

Motion passes Vote: Yes: 19 No: 0 Absent: 2

- Regional Committees:

Subcommittee recommendation: Recommends to the full commission to amend the charter as follows: reduce the number of county Council members who serve on committees from six to three without affecting the 50/50 balance in voting power, by giving each County Councilmember two votes and leaving the suburban city fractional voting formula the same; provide for chair of each of the three regional committees to be appointed by the county Council and a vice-chair selected by non-County members; empower the County Council to add, by ordinance, non-voting representation to the Water Quality Committee for areas served by King County sewage treatment services under contracts but outside of King County's boundaries; allow the Regional Policy Committee to adopt by a majority vote with a quorum of 6 ½ votes its work program, including new subject matter which involves regional policies or plans. This change is proposed to provide the committee with greater authority for its agenda; allow regional committees to initiate motions and ordinances, in addition to ones assigned to the committee by the Council, which would be introduced without the usual sponsorship of a County Councilmember; and require county Council or standing committees to take action of record on all proposed motions and ordinances initiated by regional committees. In addition, recommends to the full commission amendments to Ordinance 11683, Section 7, as amended, and K.C.C. 1.24.065 to implement the charter changes and to add language that makes explicit those actions that would satisfy Council's duty to act.

MOTION: To approve the recommendation of the subcommittee on charter language and the applicable implementing ordinance with the substitution of new language on page 10 of the ordinance.

Motion passes Vote: Yes: 19 No: 0 Absent: 2

Co-chair Mike Lowry adjourned the meeting at 7:59 pm.

Respectfully submitted by Charlotte Ohashi